



# WISCONSIN REGULATORY DIGEST

Scott McCallum  
Governor

## A Newsletter of the FUNERAL DIRECTORS EXAMINING BOARD

Volume 12, No. 1

October, 2002

### Farewell to Board Members

**Robert Cress** of Madison was appointed to the Board by Governor Tommy Thompson on July 1, 1998. His 4-year term expired on July 1, 2002. He was eligible for a second term, but recommended his son as his replacement. We thank Bob for his services to the Board, licensees and the state of Wisconsin.

**Daniel Densow**, Appleton, was initially appointed to the Board by Governor Tommy Thompson on July 1, 1995. He was reappointed by Governor Thompson on July 1, 1998. His second 4-year term expired on July 1, 2002. We thank Dan for his services to the Board, licensees and the state of Wisconsin.

### Welcome New Board Members

**William Cress**, a funeral director in Stoughton, was appointed by Governor Scott McCallum to a term to expire on May 1, 2006.

### THE WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

#### Members of the Board:

Roy Pfeffer, Chair (Manitowoc)  
Rick Unbehauen, Vice Chair (Richland Center)  
Bonnie Gift, Secretary (Fennimore)  
William Cress (Stoughton)  
Ronald Malone (Franklin)  
Robert Skinner (Cumberland)

#### Administrative Staff:

Cletus J. Hansen, Division Administrator

#### Executive Staff:

Oscar Herrera, Secretary  
Greg Horstman, Deputy Secretary  
Myra Shelton, Executive Assistant

**Robert Skinner**, a funeral director in Cumberland, was appointed by Governor Scott McCallum to a term that will expire on July 1, 2006.

**Ronald Malone**, a Superintendent at the Milwaukee County House of Correction, was appointed as a public member by Governor Scott McCallum to a term that will expire on July 1, 2005.

### Removals By Unlicensed Persons

In response to information that some funeral establishments were permitting unlicensed persons to make removals, the Funeral Directors Examining Board requested an opinion of the Attorney General to help resolve questions about the legality of such practices.

The Attorney General's Office issued an informal opinion on July 10, 2002, expressing agreement with the position that the Board wanted to take in regard to this matter.

The Attorney General responded to five questions, inquiring who has legal authority to move a corpse from the place of death to another location.

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1. May a person remove a corpse from a hospital, nursing home or other place of death and deliver the body to a funeral home or other location for burial, cremation or other final disposition if the person is neither licensed as a funeral director nor a member of the decedent's family? Answer: With one qualification involving apprentices discussed in Question 4, a corpse may be moved for the purpose of final disposition only by a licensed funeral director, a member of the decedent's immediate family, an officer of a public institution, an officer of a school or organization conducting anatomical study or a religious sect whose customs or rites involve the burial of their dead.
2. May an unlicensed employee of a funeral director remove a corpse from such an institution without the presence of a funeral director during the removal? Answer: With the same exception discussed in Question 4, Wisconsin law prohibits an unlicensed employee from moving a corpse for the purpose of final disposition whether a licensed funeral director is present or not.
3. May a funeral director contract with an unlicensed person to remove a corpse from a hospital, nursing home or other place of death and deliver it to a funeral establishment for final disposition? Answer: The answer to this question is the same as to Question 2. All unlicensed persons, except those enumerated in Wis. Stat. § 69.18(1)(a), are prohibited from moving a corpse for the purpose of final disposition whether they are employees of a licensed funeral director or independent contractors.
4. May a person who is registered as a funeral director apprentice under Wis. Stat. s. 445.095 (1) remove a corpse without the presence of a funeral director? Answer: A duly registered apprentice may remove a dead human body for preparation for burial only with the permission and under the supervision of a licensed funeral director.
5. May a person remove a corpse from a hospital, nursing home or other place of death and deliver the body to another location such as a home, church or lodge hall for purposes other than final disposition if the person is neither licensed as a funeral director nor a member of the decedent's

family? Answer: Any person in addition to those enumerated in the statutes may move a corpse for lawful purposes other than final disposition.

*Please note that the Attorney General's opinion provides additional justification for the answers stated above.*

### **Regulation of Crematories**

The legislative proposal that we had discussed in earlier issues of this Regulatory Digest was supported by many interested persons; however, we simply ran out of time in the legislature. The Funeral Directors Examining Board, the Department of Regulation and Licensing, the Wisconsin/Badger State Cemetery Association, the Wisconsin Funeral Directors Association and the Wisconsin Funeral Service Alliance of Wisconsin supported the proposal and have expressed their continuing commitment to obtain passage of the proposal in the 2003 legislature.

One issue received last-minute attention and was carefully reviewed by the parties mentioned above. That issue pertains to inspections of crematories. Should there be an inspection provision in the bill? Who should conduct inspections? How often should inspections be conducted? Who should pay for inspections? The conclusion of the interested parties was that inspections should be conducted in response to complaints, just as inspections of funeral homes (after the initial inspection of new funeral homes) are conducted when the investigation of a complaint requires an inspection as part of the investigative process. Thus, the last draft of the proposal has the following provision under a section, entitled "Discipline": "Subject to the rules promulgated under s. 440.03 (1), the department may make investigations, including inspections, or conduct hearings to determine whether a violation of this subchapter or any rule promulgated under this subchapter has occurred."

The interested parties will make every effort to have this proposal introduced early in the new legislative session and they hope that the proposal will move forward without undue delay.

### **Cemetery Legislative Proposal**

We have been keeping you informed about this proposal for several years. The proposal would significantly modify the regulation of cemeteries in Wisconsin. However, there were important points of disagreement among several interested parties, including the Department of Regulation and Licensing, the Alliance of Cities and several legislators. The proposal contains many provisions that would improve the regulation of cemeteries in Wisconsin; however, there would be a sizeable price tag and it is hard to say whether the difference of opinions can be resolved during the next legislative session. The Funeral Directors Examining Board has been an interested by-stander on this proposal.

### **Continuing Education**

Barbara Showers, Director of the Office of Education and Examinations in the Department of Regulation and Licensing, discussed several education issues with the Board at its meeting of July 16, 2002.

Dr. Showers discussed her memo of June 18, 2002, entitled "CE Program Planning." She explained what other boards have requested regarding approving and monitoring the completion of mandatory continuing education. She reported that 773 funeral director-related courses were approved during the past biennium.

The Board informally agreed that Dr. Showers should initially focus on charging a fee to approve courses. Later, she should pursue the possibility of contracting for a program, such as that which is used by the Office of the Commissioner of Insurance. Under this program, licensees would pay for and participate in a procedure whereby a transcript of courses-completed would be maintained by a contracting entity. Licensees would not be able to renew unless the transcript would show completion of the required courses.

The Board requested that Dr. Showers provide more information at the next meeting concerning the cost of a courses-completed program. The Board also requested that Dr. Showers should continue to conduct

random audits, as well as request proof of continuing education when a complaint is opened against a funeral director. At the previous board meeting Dr. Showers and her staff reported the results of a random sample that they recently conducted, relating to the completion of continuing education requirements by applicants for renewal of their license. Out of a total of 100 persons who were randomly selected, 77 were in compliance. Some other licensees completed a portion of the education, some completed the education in another state, and some did not respond in a timely manner. The Board asked Dr. Showers to keep the Board informed about the results of the random audit follow-up activities.

### **Continuing Education Requirements**

*The continuing education course requirements were revised last year. The current rules state the following:*

**FD 4.03 Continuing education.** (1) Every funeral director, as defined in s. 445.01 (5), Stats., shall complete at least 15 hours of approved continuing education programs in each biennial registration period, specified under s. 445.06, Stats., except as described in s. FD 4.05.

(2) Approved continuing education hours may apply only to the biennial registration period in which the hours are acquired.

(3) To obtain credit for completion of the continuing education requirement, a funeral director shall submit certificates of attendance issued by the program provider or other evidence of attendance satisfactory to the board.

(4) At least 3 hours of the 15-hour requirement shall be in approved programs in the subject area specified in s. FD 4.04 (1) (a) 2.

(4m) At least 3 hours of the 15-hour requirement shall be in each of the subject areas specified in s. FD 4.04 (1) (a) 1. to 4.

[Editor's Note: FD 4.04 (1) (a) 1. to 4. says: "(a) The program relates to one or more of the following subject content areas:

1. Grief counseling or communication.
2. Professional conduct, business ethics or legal aspects specifically related to practice in the profession.
3. Business management concepts relating specifically to delivery of services to a consumer.

4. Technical or practical aspects of the profession”]

(5) No more than 7 hours of all of the 15-hour requirement may be in approved programs in s. FD 4.04 (7).

[Editor’s Note: FD 4.04 (7) says: “(7) *In-service continuing education programs sponsored by a funeral establishment are not eligible for credit unless the programs are available to all licensed funeral directors and meet all other requirements in this section.*”]

(6) No more than 2 hours of the 15-hour requirement may be acquired for presentation of any continuing education program by a funeral director.

(7) No more than 10 hours of the 15-hour requirement may be acquired through participation in non-contact home study programs.

(8) Each contact or clock hour or lesson or tape completed in a home study program is equivalent to 1.0 continuing education credit hour.

(9) Continuing education credit for participation in a multiple-day program, in which each day of the program is a prerequisite for each succeeding day, shall be granted only for completion of the entire program.

(10) A funeral director may receive credit for attendance at a continuing education program which received approval after he or she attended the program, if the funeral director provides evidence of attendance satisfactory to the board.

*After promulgating amendments to these rules, the Board noted that s. FD 4.03 (4) might well have been repealed, since it appears to be covered by s. FD 4.03 (4m). and is redundant.*

#### **Copying Death Certificates**

During the Board’s discussions of the crematory proposal, the Board invited a representative of the Wisconsin Department of Health and Family Services (DHFS), Peggy Peterson, to provide information to the Board about forms relating to cremation. Ms. Peterson distributed a draft copy of a

form, entitled “Release to Cremate.” She said this form would contain a model format that would be available to coroners in an electronic version. It would be a Word document; therefore, coroners would have some flexibility to tailor it according to their needs. Ms. Peterson said that this revision was necessary, regardless of the discussion of the cremation draft. The Board concluded the discussion by recommending that this form be distributed to coroners with the Board’s recommendation that coroners use the form, as drafted by DHFS.

A related question that surfaced during these discussions was whether funeral directors may make photocopies of death certificates. Ms. Peterson informed the Board that s. 69.24, Wis. Stats., prohibits a funeral director from photocopying a death certificate. Nor may a funeral director fax a death certificate, even when the death certificate is stamped “For Administrative Use.” She pointed out, however, that a funeral establishment may want to keep a copy of a death certificate for its own records prior to filing it.

#### **Changes to MATC Funeral Service Program**

In response to the current shortage of funeral directors in Wisconsin, the Milwaukee Area Technical College has redesigned its program from the current two years to one year. Graduates will still earn an Associate Degree; however, they will be able to complete the requirements at MATC in half the time. Under the new program, future students would have the option of completing their first year of college at MATC or at an accredited college or university of their choice, possibly, at a location that is closer to their home. Upon completion of one year of college and specific program prerequisites, the student would transfer into the MATC Funeral Service Program. The Fall Semester, Spring Semester and Summer Internship at MATC would concentrate exclusively on funeral service courses. MATC has targeted the Fall Semester of 2003 to transition into the new program schedule.



## **DISCIPLINARY ACTIONS**

The disciplinary summaries are taken from orders that can be reviewed on the Department of Regulation and Licensing Web site: [www.drl.state.wi.us](http://www.drl.state.wi.us). Click on "Publications" and then "Reports of Decisions" to view the order. Decisions reported below may have an appeal pending and the discipline may be stayed. The current status of the discipline may be viewed on the Department's Web Site under "License Lookup," by calling (608) 266-2112 or by checking the progress of cases in court at: [www.courts.state.wi.us](http://www.courts.state.wi.us).

**ALLEN B BUCHANAN**  
**PITTSVILLE WI                      SUSPENDED/COSTS**  
**BUCHANAN FUNERAL HOME**  
**NEILLSVILLE WI                      REPRIMAND**

Held out to the public as being a licensed fully operating funeral establishment and advertised as being used for burials, conducting funeral services, etc., without first being granted a permit, and advertised in telephone listings and other publications. Mr. Buchanan was suspended from 6/1/02 through 6/7/02. Costs of \$500.00. Dated 5-14-2002. Sec. FD2.05(1), 3.02(1), Wis. Admin. Code Case #LS0205141FDR

**DAVID R EDLING**  
**EDLING FUNERAL HOME**  
**GRANTSBURG WI                      SUSPENDED/FORFEITURES**

Suspended for 30 days and ordered to pay a forfeiture of \$4,000.00. Failed to renew his funeral establishment license and did not complete the continuing education hours required to renew his license. Dated 8-19-2002. Wis. Stat. 440.08, 445.105(4), 445.06; Wis. Admin. Code FD 4.03(1)-(3). Case #LS0111261FDR

**MARYANN M KRAUSE**  
**OMRO WI                      REVOKED/COSTS**

Provided funeral services without the supervision of a licensed funeral director, and failed to submit a semiannual report to the board. Dated 7-16-2002. Wis. Stats. secs. 445.10(6), 445.12(4), 445.095(1), (d), (e) (2)(b). Wis. Admin. Code FD 2.03(1), (2),

2.06(1), (2), 3.02(1)-(3), (6), (9). Case #LS0207161FDR

**JOHN A DUDZINSKI**  
**PICKETT WI                      SUSPENDED/COSTS**

Did not properly supervise Mary Krause, a funeral apprentice, while she was providing funeral director services. Dated 7-16-2002. Wis. Stat. sec. 445.12(5), Wis. Admin. Code FD 3.02(1), (2), (6), (9). Case #LS0207161FDR

**TODD R MANN**  
**MERRILL WI                      SUSPENDED/COSTS**

Charged with attempted first degree intentional homicide; second degree sexual assault-domestic. Suspended for two years. Costs of \$500.00. Dated 5-14-02. Sec. FD3.02(1), Wis. Admin. Code. Case #LS0205143FDR

**JORDAN D CHADWICK**  
**SOUTH MILWAUKEE WI                      REPRIMAND/COSTS**

Received checks and misappropriated the funds. Used some of the money personally. Pay costs of \$500.00. Dated 5-14-2002. Sec. FD 3.02(1),(9), Wis. Admin. Code. Case #LS0205142FDR

**ALAN JENSEN**  
**d/b/a JENSEN JINSKY FUNERAL HOME**  
**PLOVER, WI                      SUSPENDED/COSTS**

Cremated a body prior to the required 48 hours waiting period. Suspended 11/1/2002-11/30/2002. Dated 9-17-2002. Sec. 979.10(1)(a), Wis. Stats. Sec. FD 3.02(1), Wis. Admin. Code Case #LS0209172FDR

**GEORGE NOEL HARE**  
**NEW LISBON, WI                      REPRIMAND/COSTS**

Failed to renew the funeral home's license. Sec. 445.105(1)(4), Wis. Stats. FD 1.08(1), Wis. Admin. Code. Case #LS0209171FDR

**Wisconsin Department of  
Regulation and Licensing**  
Funeral Directors Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

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To contact the Department, just dial (608) 266-2112, then enter the Quick Key numbers below for the assistance you need:

To request an application packet:	press 1-1-3
To check the status of a pending application:	press 1 - 2
To discuss application questions:	press 1 - 3
To discuss temporary license questions:	press 1 - 3
To renew or reinstate a permanent license:	press 1 - 4
To renew or reinstate a permanent license:	press 2 - 1
To renew a temporary license:	press 2 - 2
To obtain proof of licensure to another state:	press 3 - 1
To find out if a person is licensed:	press 3 - 2
To file a complaint on a license holder:	press 8
To check the status of complaints:	press 8
For all other licensing questions:	press 1 - 3

## **VERIFICATIONS**

Verifications are now available online at [www.drl.state.wi.us](http://www.drl.state.wi.us). On the Department Web site, please click on "License Lookup". If you do not use the online system, all requests for verification of licenses/credentials must be submitted in writing. There is no charge for this service. Requests should be sent to the Department address or may be faxed to (608) 261-7083 - ATTENTION: VERIFICATIONS. Requests for endorsements to other states must be made in writing – please include \$10 payable to the Department.

## **DID YOU KNOW THAT YOU CAN ACCESS MOST INFORMATION ON THE DEPARTMENT OF REGULATION & LICENSING WEB SITE?**

Visit the Department's Web site at:

[www.drl.state.wi.us](http://www.drl.state.wi.us)

Send comments to: [web@drl.state.wi.us](mailto:web@drl.state.wi.us)

## **CHANGE OF NAME OR ADDRESS?**

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided. **WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.**

## **WISCONSIN STATUTES AND CODE**

Copies of the Wisconsin Statutes and Administrative Code relating to Funeral Directors can be ordered through the Board Office. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition of the Code Book is dated February 2002.